

GAU 1635  
C1041/7005 (AWS)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

Applicant: Wagner et al.  
Serial No: 09/355,254  
Filed: February 22, 2000  
For: Pharmaceutical Compositions Comprising a Polynucleotide and Optionally an Antigen Especially for Vaccination  
Examiner: J. Zara  
Art Unit: 1635

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 11th day of May, 2001.

  
Monica Zombori

Commissioner for Patents  
Washington, D.C. 20231

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MAY 17 2001

Sir:

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Transmitted herewith are the following documents:

- [X] Replacement Revised Sequence Listing – Paper Copy and Identical Computer Readable Diskette
- [X] Replacement Amendment and Statements Made Under CFR 1.821(g)
- [X] Copy of Notice to Comply with Requirements
- [X] Return Receipt Postcard

The enclosed materials are replacements for the same materials submitted to the United States Patent Office on September 21, 2000. It is believed by the Applicant that the materials then filed were in conformance with the Requirements for Patent Applications Containing Nucleotide Sequence Disclosures. Applicant further believes that the Office Action dated October 31, 2000, pertaining to a failure to comply with the Requirements, was based on the sequence listing from the PCT application, rather than on the Sequence Listing filed on September 21, 2000.

An Office Action dated April 23, 2001, is a duplicate of the Office Action dated October 31, 2000.

It appears the Sequence Listing filed on September 21, 2000, may have been mislaid at the Patent Office since Examiner Zara indicated in a telephone conversation with me on November 8, 2000, that the “new Sequence Listing had been received” and that as of October 16, 2000, the CRF of the new Sequence Listing was shown as “good”. In that telephone conversation Examiner Zara said there was no need to respond to the Office Action dated October 31, 2000, including simply to document our conversation.

It thus appears that neither the Office Action dated October 31, 2000, nor its duplicate as embodied in the Office Action dated April 23, 2001, was ever necessary in view of the materials submitted to the United States Patent Office on September 21, 2000. A copy of the Notice to Comply is enclosed nevertheless.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is determined to be required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



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May 11, 2001